



**ICONIC CARIBBEAN CELEBRITIES AND  
MISAPPROPRIATION OF PERSONALITY  
A CARIBBEAN SNAPSHOT**

BY NATALIE CORTHÉSY © 2025



Nicki Minaj  
Trinidadian Rapper

## DEFAULT POSITION

***Duboulay v Duboulay*** [1869] Privy Council

Saint Lucia

No proprietary rights in a name

***Dockrell v Dougall*** [1899] UK

Unauthorised use of a name does not give rise  
to a cause of action

2024 BET Awards Winner

Album of the year, Best Female Hip Hop Artist



Robyn Rhianna Fenty  
National Hero  
Barbados

# ROBYN RIHANNA FENTY V ARCADIA GROUP BRANDS LTD 2013

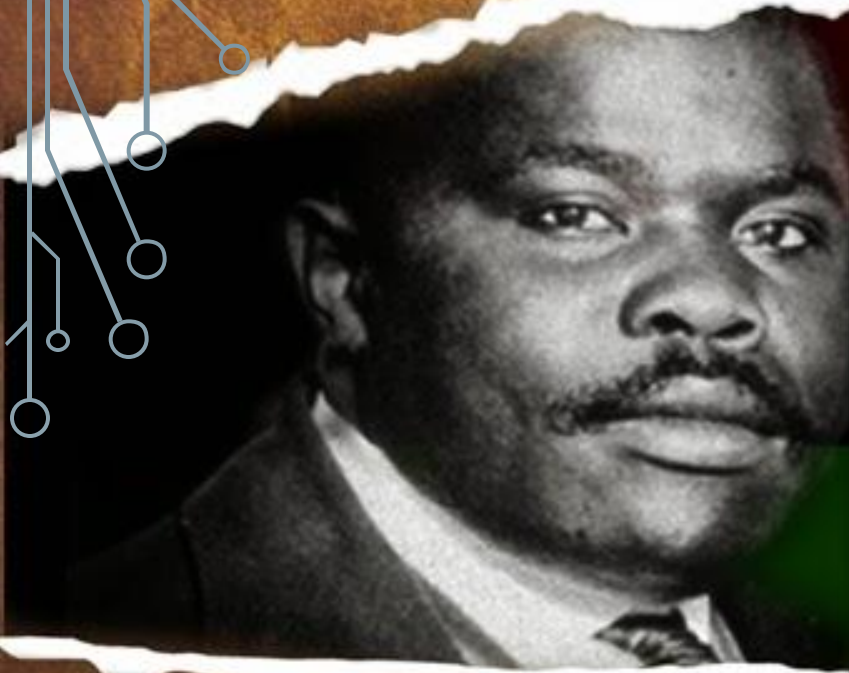
 Privacy

 Defamation

 Passing Off

 Endorsement

## STATUS QUO



Marcus Mosiah Garvey  
National Hero  
Jamaica

***Daniel v Hodge and Daniel*** [2022] Saint Christopher and Nevis. English law has not developed the law to recognize appropriation of personality as separate tort which is akin to a monopoly over one's persona. This is an undesirable tool to fill the gaps between copyright and passing off/libel. ***Robert Marley Foundation v Dino Michelle considered but not applied.*** "As helpful as English jurisprudence has been to us we must not be shy in developing our laws along the lines of what best fits the needs of the people in our region. We do have our own developing entertainment industry and a tort along the lines of appropriation of personality is worth considering"

# DECOLONIAL APPROACH IN JAMAICA SUP COURT

Robert  
Marley  
Foundation v  
Dino Michelle  
[1994]



Georgia  
Messam v  
Morris and  
Williams  
[2010]



New Tort of  
Appropriation of  
Personality

# MESSAM V MORRIS , WILLIAMS GUIDE

Proprietary right over all aspects of persona

Cause of action not reserved for celebrities,  
proof of fame may impact award of damages

Breach consists of unauthorized use of persona  
in commerce, not limited to endorsement

No need to show detriment but evidence of  
damage required for assessment of damages



Shenseea

Dance Hall Artist

Grammy Awards Nominee



## LEGISLATIVE PROTECTION

### ***2020 Patent & Designs Act Jamaica section 73***

The rights of unregistered and registered trade mark owners, copyright owners, a person's image rights, the rights of indigenous and local communities who are custodians of traditional knowledge and traditional cultural expressions, must all be considered by the Registrar, and he must verify that their consent has been obtained.

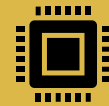


Prime Minister of Barbados  
Honourable Mia Mottley

## AI IMPLICATIONS



Celebrities and Nobodies



Endorsements, Commercial  
Value and Marketability



Life after death



Limitations and Exceptions



Cedella Marley and Usain Bolt wearing Olympic Kit featuring Arthur Wint and HerbMcKinley



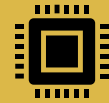
JAMAICAN SPRINTING icon Shelly-Ann Fraser-Pryce, is among international celebrities included in fake online artificial intelligence (AI)-generated posts about lucrative Netflix deals. The posts, which have been widely circulated locally and overseas, claimed Fraser-Pryce had inked a US\$13.5-million deal for a seven-episode tribute series with the streaming company. Netflix is one of the world's leading entertainment services with a reported "over 300 million paid subscribers in over 190 countries seeing TV series, films and games across a wide variety of genres and languages".



## INSPIRED BY A LEGEND



Marley Natural Cannabis



Marley Fragrances



Bob Marley Museum



One Love Movie



USAIN BOLT FORBES MAGAZINE  
45TH HIGHEST PAID ATHLETE (2018)  
RICHEST TRACK AND FIELD ATHLETE EST \$90M (2025)



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